

# COMMUNITY DEVELOPMENT DEPARTMENT

## PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915 (949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

# CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

August 29, 2013 Agenda Item No. 5

**SUBJECT:** Koll Center Ground Signs - (PA2013-047)

4000, 4040, 4100, 4110, 4400, 4500, 4590 MacArthur Boulevard

4200, 4220, 4320, 4340, 4343, 4350, 4440, 4490 Von Karman Avenue

4900, 4910, 5000 Birch Street

Modification Permit No. MD2013-004

**APPLICANT:** JB3D – Adam Burrows

**PLANNER:** Jason Van Patten, Planning Technician

(949) 644-3234 or jvanpatten@newportbeachca.gov

## **ZONING DISTRICT/GENERAL PLAN**

• Zone: PC-15 (Koll Center, Office Sites A and B)

• General Plan: MU-H2 (Mixed Use Horizontal)

# **PROJECT SUMMARY**

An amendment to previously approved Modification Permit No. MD2006-026 which permitted an increase in sign height for 11 ground signs located in the Koll Center Planned Community Zoning District (PC-15).

The applicant is proposing to replace three existing signs, previously approved by MD2006-026, construct two new signs, and increase the sign height for all five signs to 8 feet 9 inches. The Modification Permit is required to allow an increase in sign height where the Koll Center Planned Community regulations limit ground signs to a maximum height of four feet.

## **RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_ approving Modification Permit No. MD2013-004 (Attachment No. ZA 1).

# **DISCUSSION**

- An application was filed on behalf of The Koll Company proposing an increase in sign height for five ground signs at various locations in the Koll Center Planned Community (PC-15) Zoning District. The purpose is to provide additional identification to the Koll Center Newport commercial complex.
- The PC-15 regulations specify ground signs shall be limited to a maximum height of four feet and an area of 200 square feet. The Modification Permit is required to allow an increase in sign height.
- This request will amend previously approved Modification Permit No. MD2006-026, which permitted 10 address identification signs and one project identification sign at various locations in the PC-15 Zoning District. Address identification signs measured 6 feet 2 inches tall at the highest point and the project identification sign measured 9 feet tall at the highest point.
- Of the five signs proposed, three will replace existing address identification signs, and two will be new (Sign Type C). The remaining seven address identification signs and one project identification sign permitted under MD2006-026 will remain unchanged (Sign Types A & B).
- The addition of two new sign locations on MacArthur Boulevard (between Von Karman Avenue and Birch Street) will help unify the existing arrangement of ground signs in the PC-15 Zoning District since this portion of street frontage does not contain any address or tenant identification signs.
- Proposed signs will measure 6 feet 3 inches wide by 8 feet 9 inches high, will be illuminated, double-sided, and have an approximate sign area of 55 square feet. Each sign will provide project, address, and tenant identification.
- The proposed increase in height is necessary due to pedestrian, bicycle, and utility easements located along the MacArthur Boulevard, Jamboree Road, and Birch Street frontages. Existing easements require signs be setback further from the street right-of-way making visibility difficult for project, tenant, and address identification to vehicular traffic.
- An increase in sign height will provide enhanced visibility to traffic on MacArthur Boulevard, Jamboree Road, and Birch Street which travels at high rates of speed, and will provide adequate sign area for multiple tenants to be identified from adjacent roadways.

 The proposed signs are comparable with previously approved signs in the area and are in scale with street frontages as they do not exceed the maximum sign area allowed by the PC-15 regulations.

# **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Section 15311, of the California Environmental Quality Act (CEQA) Guidelines - Class 11 (Accessory Structures). The Class 11 exemption consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.

# **PUBLIC NOTICE**

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

# **APPEAL PERIOD**:

An appeal may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:

Jason Van Patten Planning Technician

JM/jvp

Attachments: ZA 1 Draft Resolution

ZA 2 Vicinity Map ZA 3 Project Plans

# **Attachment No. ZA 1**

**Draft Resolution** 

### **RESOLUTION NO. ZA2013-0##**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-004 ALLOWING AN INCREASE IN SIGN HEIGHT FOR GROUND SIGNS LOCATED WITHIN THE KOLL CENTER PLANNED COMMUNITY (PA2013-047)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

## SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Adam Burrows of JB3D, with respect to property located in the Koll Center Planned Community Zoning District (PC-15), more specifically 4000, 4040, 4100, 4110, 4400, 4500, 4590 MacArthur Boulevard, 4200, 4220, 4320, 4340, 4343, 4350, 4440, 4490 Von Karman Avenue, and 4900, 4910, 5000 Birch Street, requesting approval of a Modification Permit.
- 2. The requested Modification Permit will amend existing Modification Permit No. MD2006-026 which allowed an increase in sign height for 11 ground signs located in the Koll Center Planned Community.
- 3. Specifically, the applicant requests five illuminated ground signs each measuing 8 feet 9 inches high. Three signs will replace existing signs previously approved by MD2006-026 and two signs will be new. The remaining eight existing ground signs will remain unchanged.
- 4. The subject properties are located within the Koll Center Planned Community (PC-15) Zoning District and the General Plan Land Use Element category is Mixed Use Horizontal (MU-H2).
- 5. The subject properties are not located within the coastal zone.
- 6. A public hearing was held on August 29, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act Guidelines - Class 11 (Accessory Structures).

2. The Class 11 exemption consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.

## SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050 (Modification Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

# Finding:

A. The requested modification will be compatible with existing development in the neighborhood.

# Facts in Support of Finding:

- A-1. The request affects multiple properties within the Koll Center Planned Community which is developed with commercial buildings.
- A-2. The Modification Permit will allow the applicant to install five ground signs (2 new signs, 3 replacement signs) that will identify property addresses and tenants within a large existing commercial complex (Koll Center Newport).
- A-3. Ground signs are commonly used in large commercial complexes such as the Koll Center Newport to identify the location of a specific address or tenant.
- A-4. Signs as proposed are comparable in size and appearance with existing signs in the area which have not been deemed incompatible with the surrounding neighborhood. Signs proposed measure 8 feet 9 inches high. Existing signs approved by MD2006-026 range between 6 feet 2 inches and 9 feet in height.
- A-5. The addition of two new sign locations on MacArthur Boulevard (between Von Karman Avenue and Birch Street) will help unify the existing arrangement of ground signs in the Koll Center Planned Community since this portion of street frontage does not contain any address or tenant identification signs.
- A-6. The Modification Permit will allow ground signs that are in scale with the buildings along street frontages. Proposed signs measure approximately 55 square feet which is 145 square feet less than allowed within the Zoning District.

## Finding:

B. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.

# Facts in Support of Finding:

- B-1. The Koll Center Planned Community is comprised of approximately 154 acres, consists of numerous addresses, and is generally bounded by major roadways on the northeast by Campus Drive, on the southeast by Jamboree Road and on the west by MacArthur Boulevard.
- B-2. The roadways are characterized by long wide streets, limited driveway access, few traffic signals, and limited opportunities for vehicles to turn around.
- B-3. An increase in sign height will provide enhanced visibility to traffic on MacArthur Boulevard and Birch Street which travel at higher rates of speed, and will provide adequate sign area for multiple tenants to be identified from adjacent roadways. Signs proposed are intended to provide identification for up to three tenants.
- B-4. The proposed increase in height is necessary due to pedestrian, bicycle, and utility easements located along the MacArthur Boulevard, Jamboree Road, and Birch Street frontages which make sign visibility difficult for vehicular traffic. Easements require signs be setback between 6 to 24 feet from the property line.
- B-5. The proposed height and size of signs is necessary due to overall size of the Koll Center Newport commercial complex and will provide vehicular traffic with adequate and legible identification to buildings and tenants.

## Finding:

C. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

# Facts in Support of Finding:

- C-1. The general purpose and intent of the Zoning Code, as it pertains to signs, is to provide each sign user with an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs.
- C-2. A strict application of the Koll Center Planned Community sign standards will result in less than optimal identification as a result of existing easements that require signs be setback further from the street right-of-way.
- C-3. Limiting signs to a maximum height of four feet will create a practical difficulty by impairing optimal identification by vehicles which typically travel at higher speeds along the MacArthur Boulevard, Jamboree Road, and Birch Street frontages.

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# Finding:

D. There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.

# Facts in Support of Finding:

- D-1. The granting of the modification allows the applicant to install five ground signs measuring 8 feet 9 inches high instead of limiting height to four feet.
- D-2. Signs constructed at four feet in height would hinder optimal identification by vehicles travelling along MacArthur Boulevard, Jamboree Road, and Birch Street due to existing easements which require sign placement further from the right-of-way.
- D-3. An alternative would be to maintain a sign height of four feet, and provide a wider sign with increased letter height for visibility. However, such a sign would be out of scale with surrounding properties and incompatible with previously approved signs.
- D-4. Granting the modification would provide less detriment to the surrounding owners and occupants, the neighborhood, or the general public relative to any traffic enhancements.

# Finding:

E. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.

# Facts in Support of Finding:

- E-1. The proposed ground signs are consistent with signs elsewhere in the City as well as existing signage within the Koll Center Planned Community which has demonstrated no detriment to the public health, safety, or welfare of occupants of the property, nearby properties, the neighborhood, or the City.
- F-2. The signs as proposed will neither change the density or intensity of the existing commercial uses nor affect the flow of light or air to adjoining properties.
- E-3. The proposed signs will not interfere with sight distance from any street, alley, or driveway.
- E-4. The signage is for commercial uses in a commercial district and is not in or adjacent to a residential district.

E-5. There are no public views through or across the subject property that are affected by the proposed project.

SECTION 4. DECISION.

# NOW, THEREFORE, BE IT RESOLVED:

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2013-004, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
- 3. This resolution supersedes Modification Permit No. MD2006-026, which upon vesting of the rights authorized by Modification Permit No. MD2013-004 shall become null and void.

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By:		
Brenda Wisneski, AICP, Zoning Administra	tor	-

## **EXHIBIT "A"**

## CONDITIONS OF APPROVAL

- The development shall be in substantial conformance with the approved plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
- 2. All proposed signs shall be in conformance with the approved sign standards for the project site and provisions of the Koll Center Planned Community regulations (except as modified by applicable conditions of approval).
- 3. Type A signs may be double faced. The base of the structure shall be located a minimum of 3 feet from back of sidewalk. The sign portion of the structure shall be a minimum of 3 feet 6 inches from back of sidewalk. (Previous condition of approval per MD2006-026).
- 4. Type A signs shall not exceed a maximum average height of 7 feet 2 inches measured from existing finish grade. (Previous condition of approval per MD2006-026).
- 5. Type B signs shall measure 4 feet long by 1 foot 1 inch wide at the base, and the sign area shall measure 3 feet 5 inches long by 8 inches wide by 5 feet 1.5 inches high, as depicted on the plans submitted with this application. (Previous condition of approval per MD2006-026).
- 6. Type B signs shall not exceed a maximum height of 6 feet 2 inches measured from lowest grade to the top of the sign where the grade slopes, and a maximum of 5 feet 10 inches where the grade is flat. In no case may any Type B sign exceed a maximum average height of 6 feet. (Previous condition of approval per MD2006-026).
- 7. Type C signs may be double faced. Signs shall not exceed a maximum height of 8 feet 9 inches measured from existing grade, and sign area shall be consistent with approved plans.
- 8. Sign C.1 shall be located a minimum of 24 feet back from the MacArthur Boulevard property line, outside of the bicycle and pedestrian easement.
- 9. Sign C.2 shall be located a minimum of 16 feet back from the Jamboree Road property line, outside the bicycle and pedestrian easement.
- 10. Sign C.3 shall be located a minimum of 19 feet back from the Birch Street property line, outside of the bicycle and pedestrian easement.
- 11. Signs C.4 and C.5 shall be located outside the 6-foot wide public utility and pedestrian easement.

- 12. Signs shall include the project complex name ("Koll Center Newport") and the project site addresses as depicted on the plans submitted with this application. Any future revisions or changes to the signs approved by this Modification Permit due to a change in the name of the project complex shall be reviewed and approved by the Community Development Director, so long as the sign size and number of signs does not increase. Any increase in the size or number of signs shall require an amendment to this application. Any change to Sign Type B to include tenant identification may be permitted subject to review and approval by the Director in accordance with the Staff Approval procedure. (Previous condition of approval per MD2006-026).
- 13. The applicant is required to obtain all applicable permits from the City's Building Division. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
- 14. Plans submitted for building permits shall clearly show and label all easements.
- 15. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 16. This Modification Permit may be modified or revoked by the Zoning Administrator if determined to be detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity.
- 17. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
- 18. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved project plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
- 19. If in the opinion of the Director existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
- 20. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
- 21. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved

in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

22. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the City's approval of the Koll Center Ground Signs including, but not limited to, the Modification Permit No. MD2013-004 (PA2013-047). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

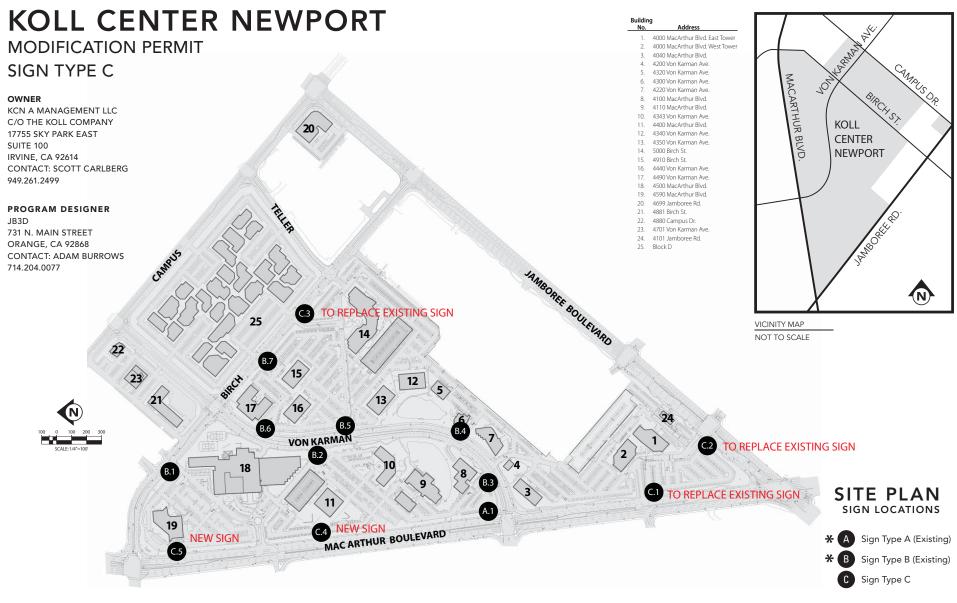
# **Attachment No. ZA 2**

Vicinity Map



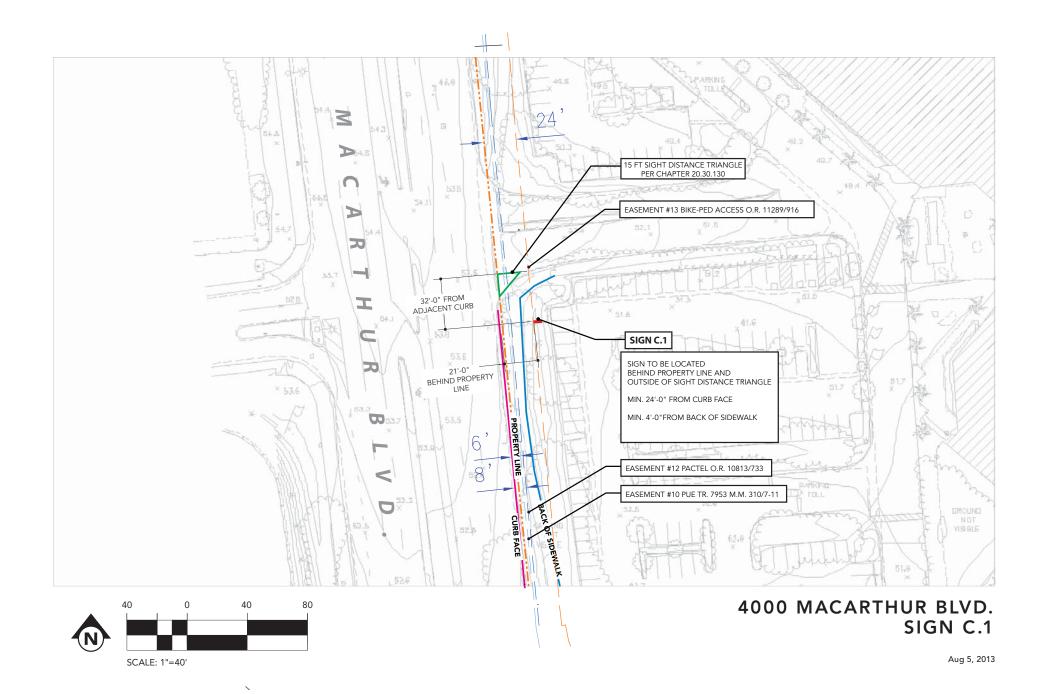
# **Attachment No. ZA 3**

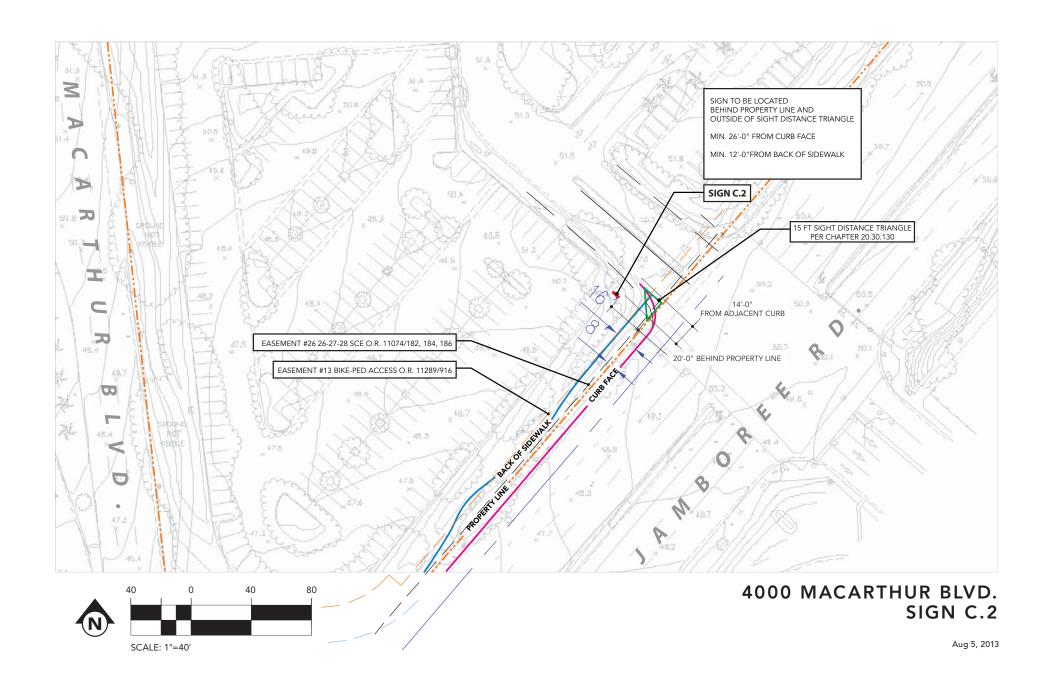
Project Plans

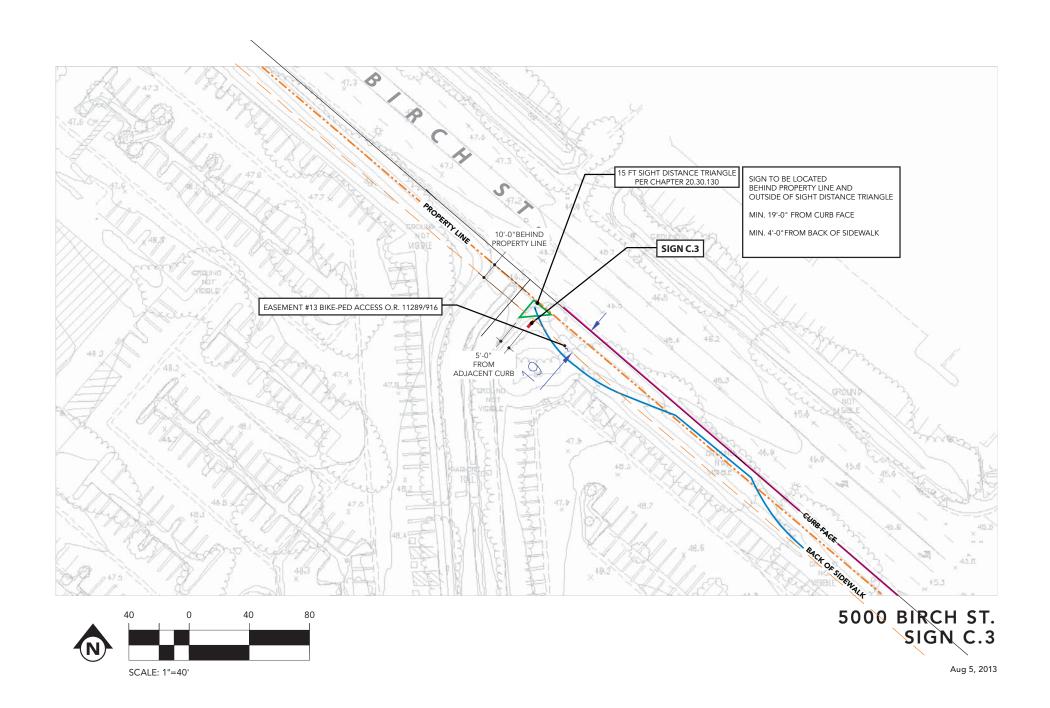


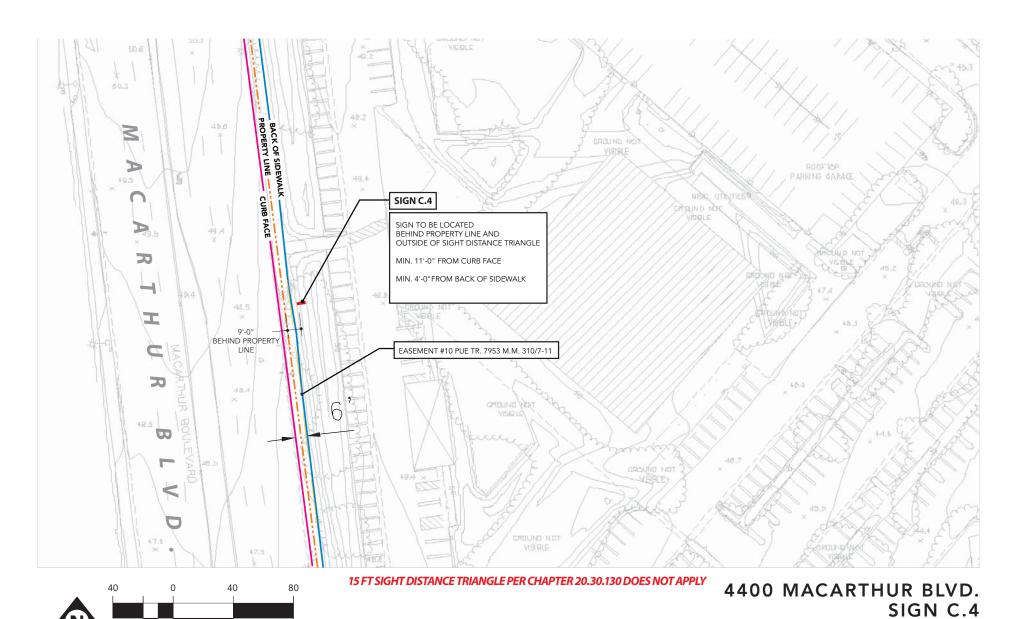
\*APPROVED UNDER MD2006-026

Aug 5, 2013



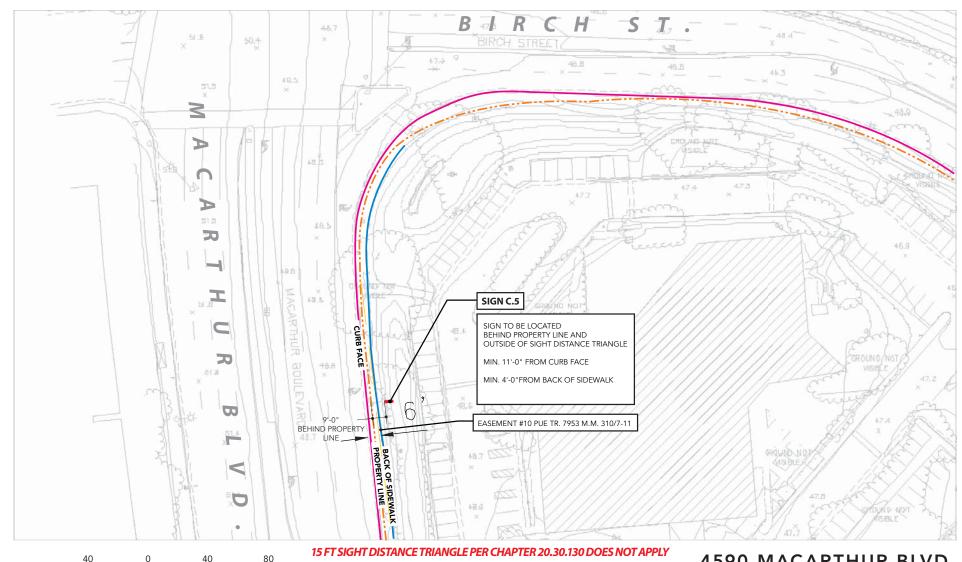






SCALE: 1"=40'

Aug 5, 2013



40 0 40 8 SCALE: 1"=40'

4590 MACARTHUR BLVD. SIGN C.5

Aug 5, 2013

PURPOSE To serve as primary identification for the project.

SIGN TYPE A
PRIMARY PROJECT MONUMENT
SPECIFICATIONS

MAXIMUM NUMBER One sign.

LOCATION Behind property line & outside site distance triangles.

ORIENTATION Perpendicular to street.

SIGN COPY Project name.

SIDES Double-sided.

MAX. SIGN AREA & SIZE Width: 12'-8"

Height: 9'-0

Graphic Area: 116 SF

SIGN CONSTRUCTION Smooth, durable, non-weathering materials: Concrete,

Painted Aluminum, Stainless Steel, Acrylic. All hardware

shall be of made of nonferrous metals.

ILLUMINATION Internally illuminated in a manner that lights only the sign

copy. Illumination of sign background is prohibited.
Lighting shall be designed so as not to cause glare to
motorists. Exposed neon and exposed raceways are

prohibited.

LOGO Not-Permitted.

LETTERSTYLE Avenir

COLORS Dark color concrete, brushed stainless steel, white and

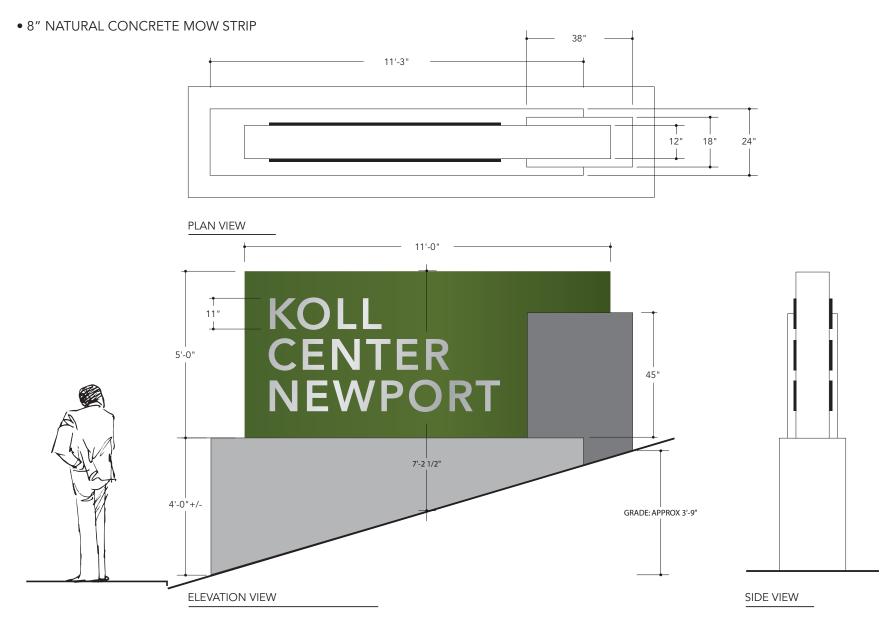
Project green colors.

### **DESIGN NOTES:**

• ILLUMINATED ALUMINUM CABINET WITH 1" PUSH-THRU LETTERS WITH BRUSHED STAINLESS STEEL FACES CABINET TO BE PAINTED PROJECT GREEN.

SIGN TYPE A
PRIMARY PROJECT MONUMENT
ELEVATION

• CONCRETE BASE - INTEGRAL COLORS TO BE DARK GREY AND MEDIUM GREY.



PURPOSE To serve as address identification for the project.

MAXIMUM NUMBER Ten Signs.

LOCATION Behind property line & outside site distance triangles.

ORIENTATION Perpendicular to street.

SIGN COPY Project name and building address(es).

SIDES Double-sided.

MAX. SIGN AREA & SIZE Width: 4'-0"

Height: 6'-2"

Graphic Area: 25 SF

SIGN CONSTRUCTION Smooth, durable, non-weathering materials: Concrete,

Painted Aluminum, Stainless Steel, Acrylic. All hardware

shall be of made of nonferrous metals.

ILLUMINATION Non-illuminated

LOGO Not-Permitted.

LETTERSTYLE Avenir

COLORS Dark color concrete, brushed stainless steel, white and

Project green colors.

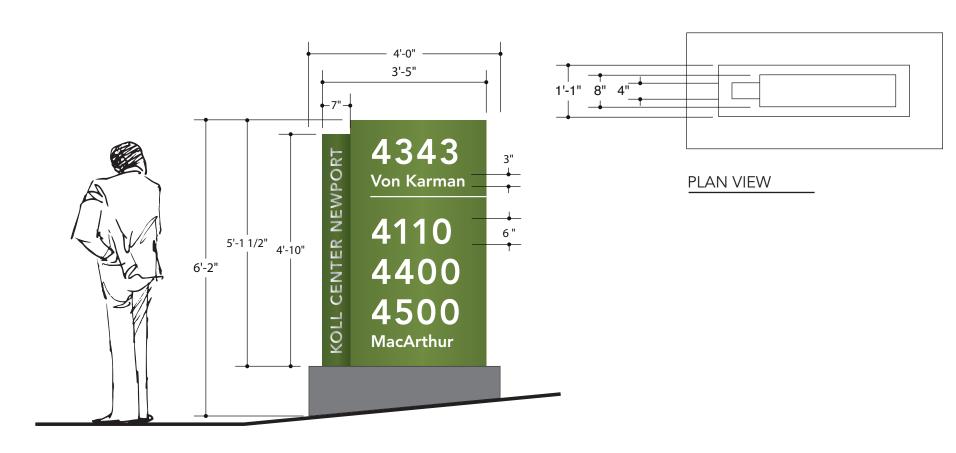
SIGN TYPE B ADDRESS MONUMENT SPECIFICATIONS

### **DESIGN NOTES:**

• FABRICATED ALUMINUM CABINET PAINTED PROJECT MEDIUM GREEN WITH WHITE REFLECTIVE VINYL LETTERING

SIGN TYPE B ADDRESS MONUMENT ELEVATION

- FABRICATED ALUMINUM CABINET PAINTED PROJECT DARK GREEN WITH HORIZONTAL BRUSHED STAINLESS STEEL LETTERS
- CONCRETE BASE INTEGRAL COLORS TO BE DARK GREY AND MEDIUM GREY.
- 8" NATURAL CONCRETE MOW STRIP



PURPOSE To serve as tenant identification for specific buildings in

the project.

MAXIMUM NUMBER 5

LOCATION Behind property line & outside site distance triangles.

ORIENTATION Perpendicular to street.

SIGN COPY Project name, Address and Tenant Names.

SIDES Double-sided.

MAX. SIGN AREA & SIZE Width: 6'-3"

Height: 8'-9"

Graphic Area: 40 SF (75"X77"/144 = 40.1)

SIGN CONSTRUCTION Smooth, durable, non-weathering materials: Concrete,

Painted Aluminum, Stainless Steel, Acrylic. All hardware

shall be of made of nonferrous metals.

ILLUMINATION Internally illuminated in a manner that lights only the sign

copy. Illumination of sign background is prohibited. Lighting shall be designed so as not to cause glare to motorists. Exposed neon and exposed raceways are

prohibited.

LOGO Tenant Logotype is allowed for nationally recognized

brand and is subject to Owner approval. No symbols are

allowed.

LETTERSTYLE Avenir or Tenant's logotype.

COLORS Dark color concrete, brushed stainless steel, white and

Project green colors.

SIGN TYPE C MULTI-TENANT MONUMENT SPECIFICATIONS

### NOTES:

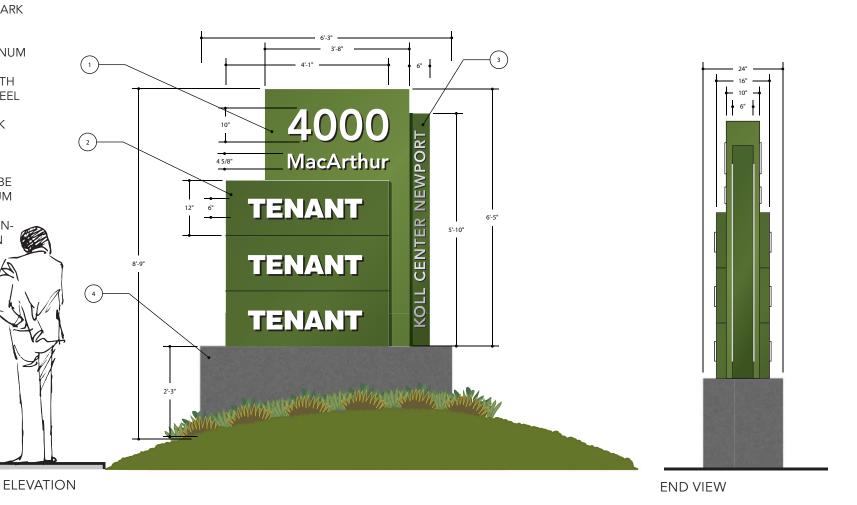
1.) ILLUMINATED ALUMINUM CABINET WITH 1/2" PUSH-THRU WHITE ACRYLIC LETTERS FACES CABINET TO BE PAINTED PROJECT MED. GREEN.

2.) CHANGEABLE
ILLUMINATED ALUMINUM
TENANT PANS WITH 1/4"
PUSH-THRU WHITE ACRYLIC
LETTERS FACES CABINET TO
BE PAINTED PROJECT DARK
GREEN.

3.) ILLUMINATED ALUMINUM CABINET WITH 1/2" PUSH-THRU LETTERS WITH BRUSHED STAINLESS STEEL FACES CABINET TO BE PAINTED PROJECT DARK GREEN

4.) CONCRETE BASE INTEGRAL COLORS TO BE
DARK GREY AND MEDIUM
GREY W/ EUROTARD #8
FINISH. 8" NATURAL CONCRETE MOW STRIP (IF IN
SOD).

SIGN TYPE C MULTI-TENANT MONUMENT ELEVATION



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August 29, 2013 Zoning Administrator agenda comments - Jim Mosher

# Item 2. 3403 Seashore Drive Parcel Map (PA2013-146)

Regarding the draft Resolution:

- Since the City has no certified Local Coastal Program (LCP), I believe the Zoning Administrator lacks the authority to make Finding K (of consistency with the LCP and the Coastal Act). My understanding is that the latter can, at this time, be accomplished only through an application for a Coastal Development Permit.
- Fact L.1 (top of handwritten page 11) says "The conditions of approval include requirements for public improvements including reconstruction of the existing broken and/or otherwise damaged concrete alley adjacent to the property." I am unable to find any such condition of approval, nor anything else claiming the existing alley needs reconstruction.
- 3. In Exhibit "A" (Conditions of Approval):
  - a. Should these include the typical boilerplate statement (as in Items 1, 5 and 6) that "The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval"? Without that, Fact D-1 (conformity to all ordinances) is difficult to substantiate.
  - b. The boilerplate in Condition 12 contains what, at least to me, is a minor typo: "... approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property."

# Item 5. Koll Center Ground Signs Modification Permit (PA2013-047)

We have, yet again, in Items 5 and 6, a developer wanting modifications to the restrictions they themselves voluntarily placed on their "planned" community. It would seem to me that if their vision of what their development should look like has changed, the Planned Community text should be revised accordingly. Approving a patchwork of "modifications" to the previously agreed to standards means, to me, the "community" is no longer planned and cohesive, nor is it conforming to the agreed upon vision. Amending the PC text so that developments of the proposed types are consistent throughout the Center would seem neither burdensome nor unusual: the cover page to PC15 (Koll Center) says it has already been amended 33 times, most recently by Ordinance No. 2013-5 on March 12, 2013.

Regarding the revised draft Resolution of Approval:

1. The title implies the approval would be for the sole purpose of allowing increased ground sign heights, but the text says new signs are being requested. Is the addition of the new signs consistent with the PC text? Or is an increase in number part of the requested modification?

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August 29, 2013 Zoning Administrator agenda comments - Jim Mosher

- 2. Fact 1.2 says this approval will "amend" existing Modification Permit No. MD2006-026. The word "replace" or "supersede" seems more appropriate since Section 4.3 says the current approval will make the previous permit null and void. And although I assume that is the intention, without studying the previous permit in detail it is difficult to verify that all modifications allowed by it continue to be legal under the new permit.
- 3. For the reasons stated above, I do not think the "unique circumstances" and "hardship" findings (B and C) necessary for a modification can be made. None of the facts stated describe situations that have changed since the PC text was approved, nor ones that could not have been easily anticipated when those standards were written.
- 4. With regard to Finding D, an obvious alternative that does not seem to have been considered would be amending the PC text so that the present request could be accommodated without a modification permit, and a uniform standard would be ensured throughout the center.
- 5. Is it understood that Condition of Approval 19 includes authority to regulate *new* as well as *existing* lighting?

# Item 6. 4675 MacArthur Court Sign Modification Permit (PA2013-150)

- 1. The same comments apply to this item as previously made with regard to Item 5: in my view it would be better to modify the Koll Center Planned Community text so that uniform standards are applied throughout the complex, rather than issuing modifications for individual buildings. I cannot see any "unique circumstances" or special "hardships" that have arisen since the existing text was last publicly approved that would justify the need for a modification.
- 2. In addition, unless the building is occupied almost entirely by a single tenant (something that is not clear from the staff report), the requested signs might be seen as serving more of an advertising function for a selected tenant, than a building identification purpose.
- 3. The first bullet point on page 2 of the staff report (handwritten page 3) says the signs will allow drivers coming from the direction of the 405 Freeway to identify the tenant. One of the signs appears to be on the side least visible from the freeway.
- 4. Regarding the Draft Resolution of Approval:
  - a. The legal description provided in Section 1.1 appears garbled. I'm not sure what it is intended to say starting with the words "All Excluding," but the expression "Northerly 4 Ft" appears twice.
  - b. Section 4.1 refers to an existing Modification Permit No. MD3637 which will be superseded by the approval, but what that former modification permit allowed does not seem to be explained anywhere in the resolution or staff report.
  - c. In Condition of Approval 2, the reference to NBMC Section 20.91.050 is incorrect (there is currently no such chapter or subsection).

### **RESOLUTION NO. ZA2013-0##**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-004 ALLOWING AN INCREASE IN SIGN HEIGHT FOR GROUND SIGNS LOCATED WITHIN THE KOLL CENTER PLANNED COMMUNITY (PA2013-047)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

## SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Adam Burrows of JB3D, with respect to property located in the Koll Center Planned Community Zoning District (PC-15), more specifically 4000, 4040, 4100, 4110, 4400, 4500, 4590 MacArthur Boulevard, 4200, 4220, 4320, 4340, 4343, 4350, 4440, 4490 Von Karman Avenue, and 4900, 4910, 5000 Birch Street, requesting approval of a Modification Permit.
- 2. The requested Modification Permit will amend existing Modification Permit No. MD2006-026 which allowed an increase in sign height for 11 ground signs located in the Koll Center Planned Community.
- 3. Specifically, the applicant requests five illuminated ground signs each measuing 8 feet 9 inches high. Three signs will replace existing signs previously approved by MD2006-026 and two signs will be new. The remaining eight existing ground signs will remain unchanged.
- 4. The subject properties are located within the Koll Center Planned Community (PC-15) Zoning District and the General Plan Land Use Element category is Mixed Use Horizontal (MU-H2).
- 5. The subject properties are not located within the coastal zone.
- 6. A public hearing was held on August 29, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

 This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act Guidelines - Class 11 (Accessory Structures). 2. The Class 11 exemption consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.

## SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050 (Modification Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

## Finding:

Α. The requested modification will be compatible with existing development in the neighborhood.

# Facts in Support of Finding:

- The request affects multiple properties within the Koll Center Planned Community which is developed with commercial buildings.
- The Modification Permit will allow the applicant to install five ground signs (2 new A-2. signs, 3 replacement signs) that will identify property addresses and tenants within a large existing commercial complex (Koll Center Newport).
- A-3. Ground signs are commonly used in large commercial complexes such as the Koll Center Newport to identify the location of a specific address or tenant.
- A-4. Signs as proposed are comparable in size and appearance with existing signs in the area which have not been deemed incompatible with the surrounding neighborhood. Signs proposed measure 8 feet 9 inches high. Existing signs approved by MD2006-026 range between 6 feet 2 inches and 9 feet in height.
- The addition of two new sign locations on MacArthur Boulevard (between Von Karman A-5. Avenue and Birch Street) will help unify the existing arrangement of ground signs in the Koll Center Planned Community since this portion of street frontage does not contain any address or tenant identification signs.
- A-6. The Modification Permit will allow ground signs that are in scale with the buildings along street frontages. Proposed signs measure approximately 55 48 square feet which is 145 152 square feet less than allowed within the Zoning District.

## Finding:

B. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.

## Facts in Support of Finding:

- B-1. The Koll Center Planned Community is comprised of approximately 154 acres, consists of numerous addresses, and is generally bounded by major roadways on the northeast by Campus Drive, on the southeast by Jamboree Road and on the west by MacArthur Boulevard.
- B-2. The roadways are characterized by long wide streets, limited driveway access, few traffic signals, and limited opportunities for vehicles to turn around.
- B-3. An increase in sign height will provide enhanced visibility to traffic on MacArthur Boulevard and Birch Street which travel at higher rates of speed, and will provide adequate sign area for multiple tenants to be identified from adjacent roadways. Signs proposed are intended to provide identification for up to three tenants.
- B-4. The proposed increase in height is necessary due to pedestrian, bicycle, and utility easements located along the MacArthur Boulevard, Jamboree Road, and Birch Street frontages which make sign visibility difficult for vehicular traffic. Easements require signs be setback between 6 to 24 feet from the property line.
- B-5. The proposed height and size of signs is necessary due to overall size of the Koll Center Newport commercial complex and will provide vehicular traffic with adequate and legible identification to buildings and tenants.

## Finding:

C. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

## Facts in Support of Finding:

- C-1. The general purpose and intent of the Zoning Code, as it pertains to signs, is to provide each sign user with an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs.
- C-2. A strict application of the Koll Center Planned Community sign standards will result in less than optimal identification as a result of existing easements that require signs be setback further from the street right-of-way.
- C-3. Limiting signs to a maximum height of four feet will create a practical difficulty by impairing optimal identification by vehicles which typically travel at higher speeds along the MacArthur Boulevard, Jamboree Road, and Birch Street frontages.

## Finding:

D. There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.

## Facts in Support of Finding:

- D-1. The granting of the modification allows the applicant to install five ground signs measuring 8 feet <u>9 inches</u> high instead of limiting height to four feet.
- D-2. Signs constructed at four feet in height would hinder optimal identification by vehicles travelling along MacArthur Boulevard, Jamboree Road, and Birch Street due to existing easements which require sign placement further from the right-of-way.
- D-3. An alternative would be to maintain a sign height of four feet, and provide a wider sign with increased letter height for visibility. However, such a sign would be out of scale with surrounding properties and incompatible with previously approved signs.
- D-4. Granting the modification would provide less detriment to the surrounding owners and occupants, the neighborhood, or the general public relative to any traffic enhancements.

## Finding:

E. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.

## Facts in Support of Finding:

- E-1. The proposed ground signs are consistent with signs elsewhere in the City as well as existing signage within the Koll Center Planned Community which has demonstrated no detriment to the public health, safety, or welfare of occupants of the property, nearby properties, the neighborhood, or the City.
- F-2. The signs as proposed will neither change the density or intensity of the existing commercial uses nor affect the flow of light or air to adjoining properties.
- E-3. The proposed signs will not interfere with sight distance from any street, alley, or driveway.
- E-4. The signage is for commercial uses in a commercial district and is not in or adjacent to a residential district.

E-5. There are no public views through or across the subject property that are affected by the proposed project.

SECTION 4. DECISION.

## NOW, THEREFORE, BE IT RESOLVED:

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2013-004, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
- 3. This resolution supersedes Modification Permit No. MD2006-026, which upon vesting of the rights authorized by Modification Permit No. MD2013-004 shall become null and void.

## PASSED, APPROVED AND ADOPTED THIS 29<sup>TH</sup> DAY OF AUGUST, 2013

By:	
Brenda Wisneski, AICP, Zo	oning Administrator

## **EXHIBIT "A"**

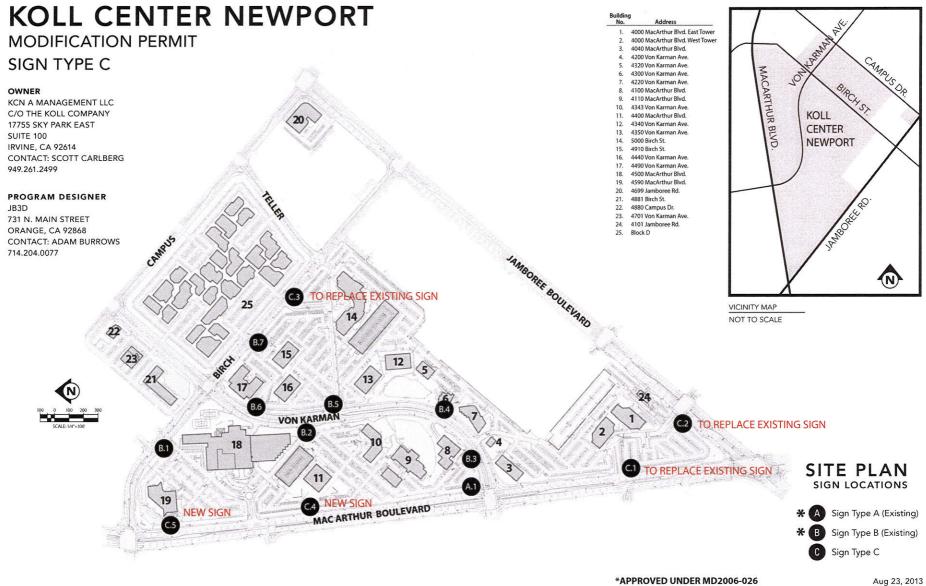
## CONDITIONS OF APPROVAL

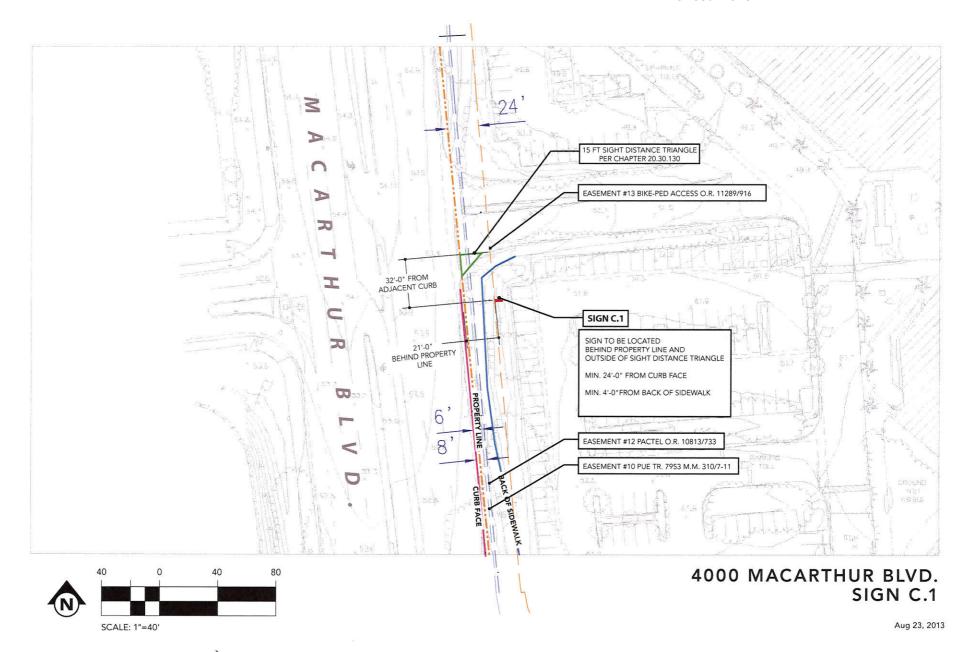
- 1. The development shall be in substantial conformance with the approved plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
- 2. All proposed signs shall be in conformance with the approved sign standards for the project site and provisions of the Koll Center Planned Community regulations (except as modified by applicable conditions of approval).
- 3. Type A signs may be double faced. The base of the structure shall be located a minimum of 3 feet from back of sidewalk. The sign portion of the structure shall be a minimum of 3 feet 6 inches from back of sidewalk. (Previous condition of approval per MD2006-026).
- 4. Type A signs shall not exceed a maximum average height of 7 feet 2 inches measured from existing finish grade. (Previous condition of approval per MD2006-026).
- 5. Type B signs shall measure 4 feet long by 1 foot 1 inch wide at the base, and the sign area shall measure 3 feet 5 inches long by 8 inches wide by 5 feet 1.5 inches high, as depicted on the plans submitted with this application. (Previous condition of approval per MD2006-026).
- 6. Type B signs shall not exceed a maximum height of 6 feet 2 inches measured from lowest grade to the top of the sign where the grade slopes, and a maximum of 5 feet 10 inches where the grade is flat. In no case may any Type B sign exceed a maximum average height of 6 feet. (Previous condition of approval per MD2006-026).
- 7. Type C signs may be double faced. Signs shall not exceed a maximum height of 8 feet 9 inches measured from existing grade, and sign area shall be consistent with approved plans.
- 8. Sign C.1 shall be located a minimum of 24 feet back from the MacArthur Boulevard property line, outside of the bicycle and pedestrian easement.
- 9. Sign C.2 shall be located a minimum of 16 feet back from the Jamboree Road property line, outside the bicycle and pedestrian easement.
- 10. Sign C.3 shall be located a minimum of 19 feet back from the Birch Street property line, outside of the bicycle and pedestrian easement.
- 11. Signs C.4 and C.5 shall be located outside the 6-foot wide public utility and pedestrian easement.

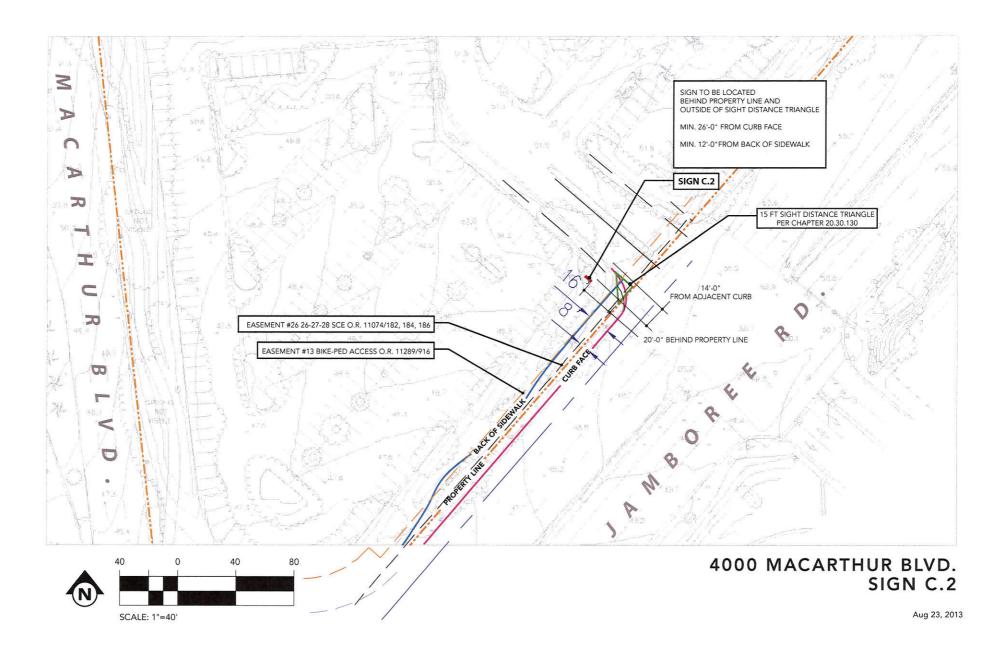
- 12. Signs shall include the project complex name ("Koll Center Newport") and the project site addresses as depicted on the plans submitted with this application. Any future revisions or changes to the signs approved by this Modification Permit due to a change in the name of the project complex shall be reviewed and approved by the Community Development Director, so long as the sign size and number of signs does not increase. Any increase in the size or number of signs shall require an amendment to this application. Any change to Sign Type B to include tenant identification may be permitted subject to review and approval by the Director in accordance with the Staff Approval procedure. (Previous condition of approval per MD2006-026).
- 13. The applicant is required to obtain all applicable permits from the City's Building Division. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
- 14. Plans submitted for building permits shall clearly show and label all easements.
- 15. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 16. This Modification Permit may be modified or revoked by the Zoning Administrator if determined to be detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity.
- 17. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
- 18. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved project plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
- 19. If in the opinion of the Director existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
- 20. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
- 21. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved

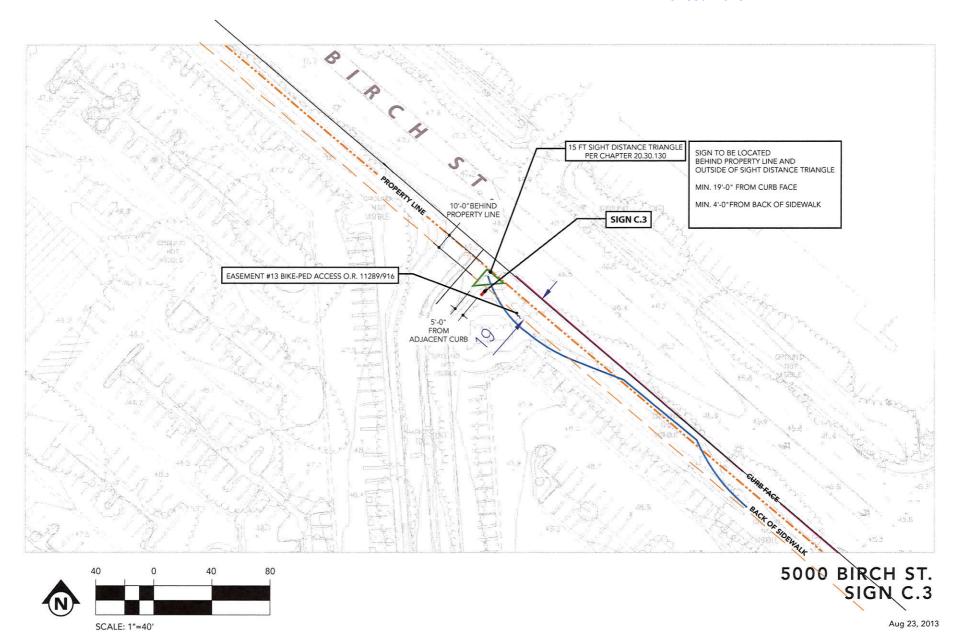
in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

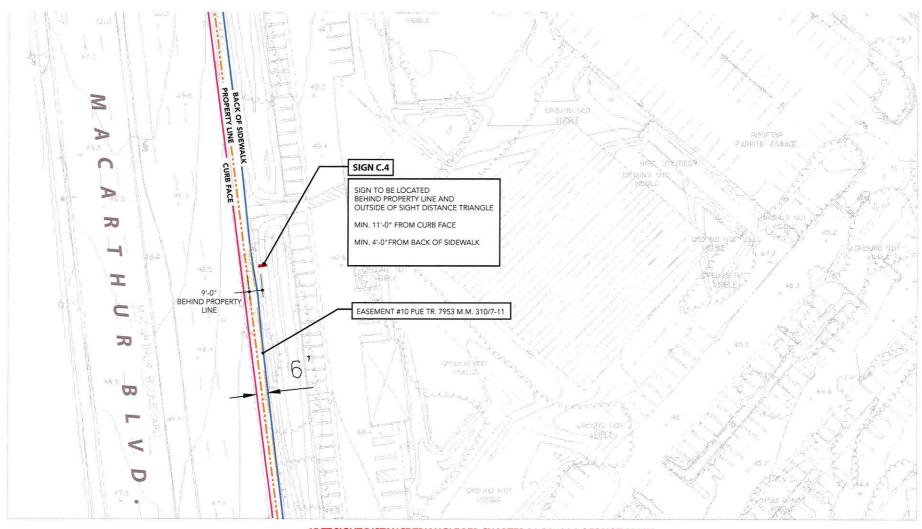
22. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the City's approval of the Koll Center Ground Signs including, but not limited to, the Modification Permit No. MD2013-004 (PA2013-047). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

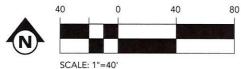












15 FT SIGHT DISTANCE TRIANGLE PER CHAPTER 20.30.130 DOES NOT APPLY

4400 MACARTHUR BLVD. SIGN C.4

Aug 23, 2013



SCALE: 1"=40"

**PURPOSE** 

To serve as primary identification for the project.

MAXIMUM NUMBER

One sian.

LOCATION

Behind property line & outside site distance triangles.

ORIENTATION

Perpendicular to street.

SIGN COPY

Project name.

**SIDES** 

Double-sided.

MAX. SIGN AREA & SIZE

Width: 12'-8"

Height: 9'-0

Graphic Area: 116 SF

SIGN CONSTRUCTION

Smooth, durable, non-weathering materials: Concrete, Painted Aluminum, Stainless Steel, Acrylic. All hardware

shall be of made of nonferrous metals.

ILLUMINATION

Internally illuminated in a manner that lights only the sign copy. Illumination of sign background is prohibited. Lighting shall be designed so as not to cause glare to motorists. Exposed neon and exposed raceways are

prohibited.

LOGO

Not-Permitted.

**LETTERSTYLE** 

Avenir

**COLORS** 

Dark color concrete, brushed stainless steel, white and

Project green colors.

Zoning Administrator Hearing - August 29, 2013 Item 5b: Additional Materials Received by Applicant Revised Plans

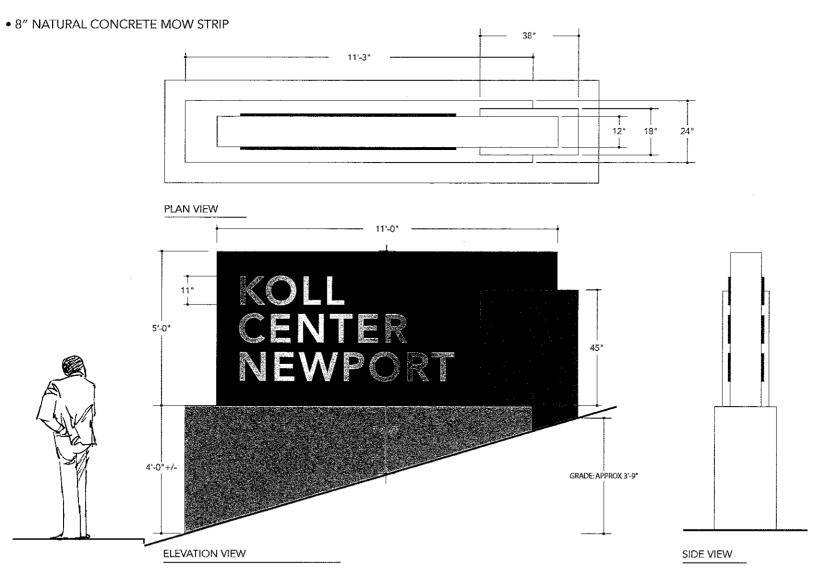
SIGN TYPE A
PRIMARY PROJECT MONUMENT
SPECIFICATIONS

# SIGN TYPE A

PRIMARY PROJECT MONUMENT ELEVATION

## **DESIGN NOTES:**

- ILLUMINATED ALUMINUM CABINET WITH 1" PUSH-THRU LETTERS WITH BRUSHED STAINLESS STEEL FACES CABINET TO BE PAINTED PROJECT GREEN.
- CONCRETE BASE INTEGRAL COLORS TO BE DARK GREY AND MEDIUM GREY.



**PURPOSE** 

To serve as address identification for the project.

MAXIMUM NUMBER

Ten Signs.

LOCATION

Behind property line & outside site distance triangles.

**ORIENTATION** 

Perpendicular to street.

SIGN COPY

Project name and building address(es).

SIDES

Double-sided.

MAX. SIGN AREA & SIZE

Width: 4'-0"

Height: 6'-2"

Graphic Area: 25 SF

SIGN CONSTRUCTION

Smooth, durable, non-weathering materials: Concrete,

Painted Aluminum, Stainless Steel, Acrylic. All hardware

shall be of made of nonferrous metals.

ILLUMINATION

Non-illuminated

LOGO

Not-Permitted.

**LETTERSTYLE** 

Avenir

**COLORS** 

Dark color concrete, brushed stainless steel, white and

Project green colors.

Zoning Administrator Hearing - August 29, 2013 Item 5b: Additional Materials Received by Applicant Revised Plans

SIGN TYPE B ADDRESS MONUMENT SPECIFICATIONS

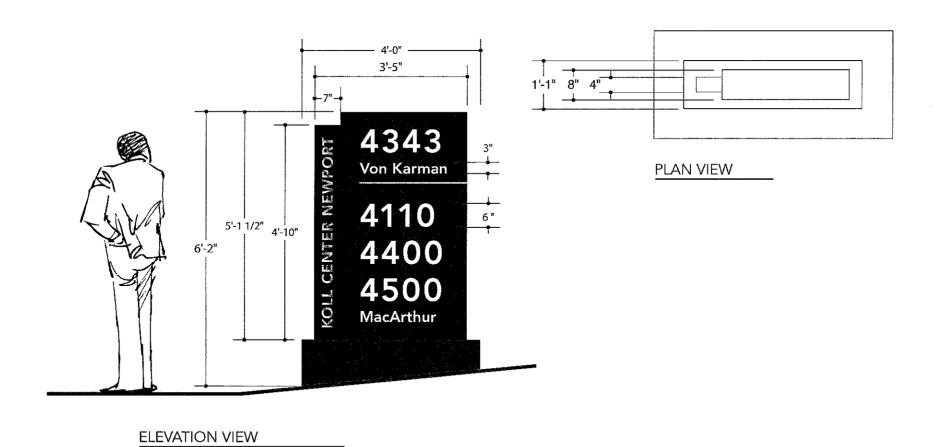
Zoning Administrator Hearing - August 29, 2013 Item 5b: Additional Materials Received by Applicant **Revised Plans** 

# SIGN TYPE B

**ADDRESS MONUMENT ELEVATION** 

### **DESIGN NOTES:**

- FABRICATED ALUMINUM CABINET PAINTED PROJECT MEDIUM GREEN WITH WHITE REFLECTIVE VINYL LETTERING
- FABRICATED ALUMINUM CABINET PAINTED PROJECT DARK GREEN WITH HORIZONTAL BRUSHED STAINLESS STEEL LETTERS
- CONCRETE BASE INTEGRAL COLORS TO BE DARK GREY AND MEDIUM GREY.
- 8" NATURAL CONCRETE MOW STRIP



**PURPOSE** 

To serve as tenant identification for specific buildings in

the project.

MAXIMUM NUMBER

5

LOCATION

Behind property line & outside site distance triangles.

**ORIENTATION** 

Perpendicular to street.

SIGN COPY

Project name, Address and Tenant Names.

SIDES

Double-sided.

MAX. SIGN AREA & SIZE

Width: 6'-0"

Height: 8'-0"

Graphic Area: 48 SF

SIGN CONSTRUCTION

Smooth, durable, non-weathering materials: Concrete, Painted Aluminum, Stainless Steel, Acrylic, All hardware

shall be of made of nonferrous metals.

ILLUMINATION

Internally illuminated in a manner that lights only the sign copy. Illumination of sign background is prohibited.
Lighting shall be designed so as not to cause glare to

Lighting shall be designed so as not to cause glare to motorists. Exposed neon and exposed raceways are

prohibited.

LOGO

Tenant Logotype is allowed for nationally recognized

brand and is subject to Owner approval. No symbols are

allowed.

**LETTERSTYLE** 

Avenir or Tenant's logotype.

**COLORS** 

Dark color concrete, brushed stainless steel, white and

Project green colors.

Zoning Administrator Hearing - August 29, 2013 Item 5b: Additional Materials Received by Applicant Revised Plans

> SIGN TYPE C MULTI-TENANT MONUMENT SPECIFICATIONS

Zoning Administrator Hearing - August 29, 2013 Item 5b: Additional Materials Received by Applicant Revised Plans

> SIGN TYPE C MULTI-TENANT MONUMENT ELEVATION

### NOTES:

1.) ILLUMINATED ALUMINUM CABINET WITH 1/2" PUSH-THRU WHITE ACRYLIC LETTERS FACES CABINET TO BE PAINTED PROJECT MED. GREEN.

2.) CHANGEABLE
ILLUMINATED ALUMINUM
TENANT PANS WITH 1/4"
PUSH-THRU WHITE ACRYLIC
LETTERS FACES CABINET TO
BE PAINTED PROJECT DARK
GREEN.

3.) ILLUMINATED ALUMINUM CABINET WITH 1/2" PUSH-THRU LETTERS WITH BRUSHED STAINLESS STEEL FACES CABINET TO BE PAINTED PROJECT DARK GREEN

4.) CONCRETE BASE -INTEGRAL COLORS TO BE DARK GREY AND MEDIUM GREY W/ EUROTARD #8 FINISH. 8" NATURAL CON-CRETE MOW STRIP (IF IN SOD).

